

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DONNELL G. HADDOCK,
Plaintiff,

v.

EL MONTE POLICE DEPT., et al.,
Defendants.

Case No. 2:23-cv-07589-VBF-KES

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation of the United States Magistrate Judge (Dkt. 20). No objections to the Report and Recommendation were filed, and the deadline for filing such objections has passed. The Court accepts the findings, conclusions, and recommendations of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that:

1. The claims against all Defendants in their official capacity are dismissed without leave to amend.
2. The claims against the following Defendants are dismissed with

prejudice and without leave to amend: (a) the El Monte Police Department, (b) the El Monte Fire Department, (c) Ben Lowry, Chief of the El Monte Police Department, (d) Chief of the El Monte Fire Department, (e) John Does 2, 3, 4, and 5.

3. The only claim remaining in this lawsuit is a Fourth Amendment claim for use of excessive force against Officers Jane Doe 1 and John Doe 1 of the El Monte Police Department in their individual capacities, based on the alleged tasing of Plaintiff on October 4 or 5, 2022. These claims are allowed to proceed in the alternative, because Plaintiff is unsure which Defendant tased him.

DATED: August 14, 2024 /s/ Valerie Baker Fairbank

VALERIE BAKER FAIRBANK
UNITED STATES DISTRICT JUDGE